

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: CQ10430

David BURTON, et al.

Appln. No.: 10/731,816

Group Art Unit: 3735

Confirmation No.: 4416

Examiner: Karen E. TOTH

Filed: December 9, 2003

For: METHODS AND APPARATUS FOR MONITORING CONCIOUSNESS

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM UNDER 35 U.S.C. §120**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is filed pursuant to 37 C.F.R. §1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed Non-Provisional Application No. PCT/AU02/00776.

The present application was filed under 35 U.S.C. §111(a) on December 9, 2003, which is on or after November 29, 2000. Prior-filed Application No. PCT/AU02/00776 was filed on June 13, 2002 and was pending on December 9, 2003. Thus, prior-filed Application No. PCT/AU02/00776 and the present application were copending.

The entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78 and the date the claim is being filed was unintentional.

Submitted herewith is an amendment containing the reference required by 35 U.S.C. §120 and paragraph (a)(2) of 37 C.F.R. §1.78, being submitted with a Request for Continued Examination under 37 C.F.R. § 1.114(c).

UNINTENTIONALLY DELAYED CLAIM PETITION
U.S. Application No.: 10/731,816

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The USPTO is directed and authorized to charge the statutory fee of \$1410.00
(37 C.F.R. § 1.17(t)) and all required fees, except for the Issue Fee and the Publication Fee, to
Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H. Davison/

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Date: November 6, 2009